

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION**

**JULIETA GARIBAY, *et al.***

**Plaintiffs,**

**vs.**

**DAVID WHITLEY, *et al.***

**Defendants.**

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

**Civil Action No. 2:19-cv-00040**

**PLAINTIFFS' APPENDIX IN SUPPORT OF THEIR EMERGENCY APPLICATION  
FOR TEMPORARY RESTRAINING ORDER OR, IN THE ALTERNATIVE, MOTION  
FOR PRELIMINARY INJUNCTION**

<b>EXH. NO.</b>	<b>DOCUMENT</b>
1	Election Advisory No. 2019-02, Texas Secretary of State (January 25, 2019)
2	"Notice to Registered Voter for Proof of Citizenship," Texas Secretary of State
3	Press Release, <i>Secretary Whitley Issues Advisory On Voter Registration List Maintenance Activity</i> , Texas Secretary of State (January 25, 2019)
4	Ingram Email To Counties Re: Revised Guidance, February 1, 2019
5	OAG letter, February 8, 2019
6	Ken Paxton (@KenPaxtonTX), Twitter (January 25, 2019, 12:37 PM)
7	Greg Abbott (@GregAbbott_TX), Twitter, (January 25, 2019, 1:57 PM)
8	President Donald J. Trump (@realDonaldTrump), Twitter (January 27, 2019, 5:22 AM)
9	Declaration of Bruce J. Elfant, Travis County Assessor-Collector
10	WITHDRAWN EXHIBIT
11	WITHDRAWN EXHIBIT
12	Declaration of Jane Doe #1

<b>EXH. NO.</b>	<b>DOCUMENT</b>
13	Declaration of Jane Doe #2
14	Declaration of Elena Keane ( <i>forthcoming</i> )
15	Declaration of Maria Felicitas Barbosa
16	Declaration of Julieta Garibay
17	Declaration of Abraham J. Espinosa Flores
18	Declaration of Efren A. Gomez
19	Declaration of Viridiana Tule Carrizales
20	Declaration of Lorena Tule-Romain
21	Declaration of Maria Garcia
22	Declaration of Juanita Valdez-Cox, La Unión Del Pueblo Entero (LUPE)
23	Letter from County of Smith Elections Administrator to Jane Doe #1
24	Letter from Wood County Elections Department to Jane Doe #2
25	Letter from Austin Voter Registrar to Maria Felicitas Barbosa
26	Letter from Galveston County Assessor and Collector of Texas to Elena Keane
27	MASS EMAIL (VR/EA/V-670) – New TEAM Workflow: DPS Non U.S. Citizen Data Comparison from Betsy Schonhoff , December 5, 2018
28	MASS EMAIL (VR/EA/V-666) – Updated Notice and Mini-Manuals: DPS Non U.S. Citizen Data Comparison from Betsy Schonhoff , January 4, 2019
29	MASS EMAIL (VR/EA-111) – List Maintenance (Eligibility) Webinar from Betsy Schonhoff , January 25, 2019
30	MASS EMAIL (CC/EA/VR - 883) -- Secretary Whitley Issues Advisory On Voter Registration List Maintenance Activity from Betsy Schonhoff , January 25, 2019
31	MASS E-MAIL ADVISORY (VR/EA/V-665) - Use of Non-U.S. Citizen Data obtained from the Department of Public Safety from Betsy Schonhoff , January 25, 2019
32	Email Betsy Schonhoff , January 11, 2019 RE: TACA Newsletter for January
33	List Maintenance (Eligibility) Full Slide
34	Email Betsy Schonhoff , December 20, 2018 RE: Updated Notice of Examination (Proof of Citizenship Letter)

EXH. NO.	DOCUMENT
35	Travis County Non-Citizen Data Fact Sheet - 2019_02_07
36	Texas voter registration form
37	James Barragán, Robert T. Garrett, and Julieta Chiquillo, <i>Are Non-U.S. Citizens voting in Texas? Conservatives say yes; voting rights advocates say show me</i> , Dallas Morning News (January 28, 2019)
38	LouAnna Campbell, <i>Smith County elections office looking into 297 possible non-U.S. citizens registered to vote</i> , Tyler Paper (January 29, 2019)
39	<i>American Community Survey FactFinder, Selected Characteristics of the Native and Foreign-Born Populations (Texas)</i> , United States Census Bureau (2017 5-year ACS data), U.S. Census Bureau
40	<i>AG Paxton: Texas Secretary of State's Office Discovers Nearly 95,000 People Identified by DPS as Non-U.S. Citizens are Registered to Vote in Texas</i> , Ken Paxton, Attorney General of Texas (January 25, 2019)
41	<i>Non-citizen voter registration in Texas</i> , KGNS-TV (January 31, 2019)
42	Alexa Ura, <i>Some Texas voters already are being asked to prove their citizenship after state's announcement</i> , The Texas Tribune (January 28, 2019)
43	James Barragán, Julieta Chiquillo, and Robert T. Garrett, <i>Some names in list of 98,000 potential non-citizen voters included 'in error,' county officials say, citing state</i> , Dallas News powered by the Dallas-Morning News (January 29, 2019)
44	Alexa Ura, <i>Texas quietly informs counties that some of the 95,000 voters flagged for citizenship review don't belong on the list</i> , The Texas Tribune (January 29, 2019)
45	Guillermo Contreras and Dylan McGuinness, <i>State hedges on claim that 100,000 Texas voters aren't citizens, faces federal lawsuit</i> , San Antonio Express-News (January 29, 2019)
46	Cassie L. Smith, <i>State: All 366 on local list of potential noncitizen voters are citizens</i> , Waco Tribune-Herald (January 31, 2019)
47	Liam Stack, <i>Many Texas Voters Whose Citizenship Was Questioned Are in Fact Citizens</i> , New York Times (January 29, 2019)
48	Paul Weber, <i>Texas tells counties noncitizen voter report may be flawed</i> , Associated Press (January 29, 2019)
49	Associated Press, <i>18K Houston area voters removed from citizenship check</i> , The Tribune (January 30, 2019)
50	James Barragán, Robert T. Garrett, and Julieta Chiquillo, <i>Tens of thousands removed from potential non-citizen voters list after counties find flawed data</i> , Dallas Morning News (January 31, 2019)
51	Phil Prazan, <i>County officials: Texas non-citizen voter list is 'too big,' wrong</i> , KXAN (January 30, 2019)
52	Gregg Re, <i>List of 95K ineligible voters on the rolls may be overstated, Texas State Department suggests</i> , FOX News (January 30, 2019)

EXH. NO.	DOCUMENT
53	Carlos Sanchez, <i>Former Texas Secretary of State Believes Inaccurate Voting List Should Be Rescinded</i> , Texas Monthly (January 31, 2019)
54	Ashley Lopez, <i>Gov. Greg Abbott Says Alleged Noncitizen Voter Purge Is A 'Work In Process,'</i> KUT (January 31, 2019)
55	James Barragán and Julieta Chiquillo, <i>Texas issues new guidelines for counties to probe whether noncitizens voted</i> , Dallas Morning News (February 1, 2019)
56	Greg Allen, <i>World War II Vet Caught Up In Florida's Voter Purge Controversy</i> , NPR (May 31, 2012)
57	Janell Ross, <i>Florida Voter Purge Will Continue, Defying Federal Warning</i> , Huffington Post (June 2, 2012)
58	Steve Bousquet, <i>Fla. Gov. Rick Scott's voter purge efforts start anew</i> , Tampa Bay Times (September 27, 2012)
59	Steve Bousquet and Amy Sherman, <i>Florida suspends non-citizen voter purge efforts</i> , (March 27, 2014)
60	Scott Gessler, <i>Colorado's Secretary Of State, Asks 4,000 Registered Voters For Proof Of Citizenship</i> , Huffington Post (August 17, 2012)
61	Jordan Fabian, <i>Voter Purging Resurfaces in Colorado</i> , ABC News (October 24, 2019)
62	Sam Levin, <i>Out of fourteen illegal voters banned after Scott Gessler's campaign, how many voted? Zero</i> Westword (October 12, 2012)
63	Robert T. Garrett, <i>Texas' top election official: About 58,000 non-citizens cast ballots in state elections since 1996</i> , Dallas News (January 25, 2019)
64	Alexa Ura, <i>How An Attempt To Review Texas' Voter Rolls Turned Into A Debacle</i> , Texas Tribune (February 4, 2019)
65	DHS statbooks, FY 2012-2017
66	Jeremy Wallace, <i>Harris County pushes back against state's call for voter purge</i> , Chron (Jan. 28, 2019)
67	Hank Murphy, <i>Letters go out to 21 Wood County voters inquiring about citizenship</i> (Feb. 6, 2019)

**Dated: February 11, 2019**

**Respectfully Submitted,**

**MEXICAN AMERICAN LEGAL  
DEFENSE AND EDUCATIONAL FUND**

By: /s/ Nina Perales

Nina Perales (Tex. Bar No. 24005046);

Attorney-in-Charge

Ernest I. Herrera (Tex. Bar No. 24094718)

(SD of Tex. Bar No. 2867694)

Alejandra Ávila (Tex. Bar No. 24089252)

(SD of Tex. Bar No. 2677912)  
Jack Salmon (Tex. Bar No. 24068914)  
(SD of Tex. Bar No. 1130532)  
110 Broadway, Suite 300  
San Antonio, Texas 78205  
Phone: (210) 224-5476  
Facsimile: (210) 224-5382  
Email: [nperales@maldef.org](mailto:nperales@maldef.org)

Attorneys for Plaintiffs